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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,809	07/14/2000	James Richard Wason	13679(ENI9-2000-0080US1)	6597
Richard L. Catania Esq. Scully Scott Murphy & Presser 400 Garden City Plaza Garden City, NY 11530				
EXAMINER CAMPBELL, JOSHUA D				
ART UNIT 2178		PAPER NUMBER		
MAIL DATE 08/01/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/616,809

Applicant(s)

WASON, JAMES RICHARD

Examiner

JOSHUA D. CAMPBELL

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-17 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/CI) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Request for continued examination filed on 2/21/2008.
2. Claims 1-3 and 5-18 are pending in this case. Claims 1, 6, and 10 are independent claims. Claims 1, 6, and 10 have been amended. Claim 18 has been newly added.

Allowable Subject Matter

3. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim (claim 1) and any intervening claims.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 6-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims are non-statutory for at least the reason that they are not tangibly embodied in a manner so as to be executable (i.e. stored on a computer readable storage device which does not include a carrier wave or other form of transmission medium). While the claim states, "A system..." it appears that claim consists of merely software because there is no mention of required

hardware. The examiner recommends, "A system which includes a processor and memory for..." in order to overcome this rejection. Proper correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3 and 4-17 remain rejected under 35 U.S.C. 102(e) as being anticipated by Andrews et al. (hereinafter Andrews, US Patent Number 6,317,871, filed on July 17, 1998).

Regarding independent claim 1, Andrews discloses a method in which a plurality of templates are created from samples of a text file, wherein each template has literal fragments of the text file and includes substitution points that are filled with application data (column 7, line 65-column 9, line 50 of Andrews, examiner points to column 4, lines 1-60 for the definitions of the terms used in Andrews). Andrews also discloses that if the format of the text file changes the templates are also changed (column 7, line 65-column 9, line 50 and column 11lines 20-40 of Andrews). A macro class exists in which maps data from the text file to the computer application (column 7, line 65-column 9, line 50 of Andrews). A pointer to the macro class is embedded in one of the templates, that template being used as a prototype to generate a segment of an output file (column 7, line 65-column 9, line 50 of Andrews). When the pointer is reached in one of the templates, the pointer invokes the macro class and it uses the

class to map data from one of the segments to the application and the macro invokes another template to further process the text file (column 7, line 65-column 9, line 50 of Andrews).

Regarding dependent claim 2, Andrews discloses a method in which the macros class reads a segment of the text file and uses the segment to initiate application update processing (column 7, line 65-column 9, line 50 of Andrews).

Regarding dependent claim 3, Andrews discloses a method in which the macros class derives data from the application and formats it into the text file (column 7, line 65-column 9, line 50 of Andrews).

Regarding dependent claim 5, Andrews discloses a method in which a controller is used that prevents structure clashes by placing text and data into appropriate places in a complex object structure as the text file is processed (column 7, line 65-column 9, line 50 of Andrews)

Regarding dependent claim 14, Andrews discloses a method in which the pointer that invokes the macro class also passes another template name, that template name is used invoke another template to process the text file (column 7, line 65-column 9, line 50 of Andrews).

Regarding independent claim 6 and dependent claims 7-9 and 15, the claims incorporate substantially similar subject matter as claims 1-3, 5, and 14. Thus, the claims are rejected along the same rationale as claims 1-3, 5, and 14.

Regarding independent claim 10 and dependent claims 11-13 and 16, the claims incorporate substantially similar subject matter as claims 1-3, 5, and 14. Thus, the claims are rejected along the same rationale as claims 1-3, 5, and 14.

Regarding dependent claim 17, Andrews discloses that the controller sets up a complex object structure and places the text data into that structure, and when the entire text file is processed that structure is used to process updating data into the application (column 7, line 65-column 9, line 50 of Andrews).

Response to Arguments

6. Applicant's arguments with respect to claims 1-3 and 5-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA D. CAMPBELL whose telephone number is (571)272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joshua D Campbell/
Primary Examiner, Art Unit 2178
July 31, 2008